

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) RICHARDS, LAYTON, & FINGER GREGORY P. WILLIAMS, ONE RODNEY SQUARE WILIMINGTON, DE 19899		TELEPHONE NO. (800) 952-2266		FOR COURT USE ONLY Page 1 of 4	
ATTORNEY FOR (Name): PLAINTIFFS		Ref No. or File No.			
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE					
PLAINTIFF: BALLY TOTAL FITNESS HOLDING CORPORATION					
DEFENDANT: LIBERATION INVESTMENTS, L.P., ET AL.					
PROOF OF SERVICE		DATE:	TIME:	DEPT/DIV:	CASE NUMBER: 05 841

UNITED STATES DISTRICT COURT DECLARATION OF SERVICE

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; PLAINTIFF BALLY TOTAL FITNESS HOLDING CORPORATION'S DISCLOSURE STATEMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 7.1(A); PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER (NOTICE PROVIDED); OPENING BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER; DECLARATION OF PAUL A. TOBACK

ON: LIBERATION INVESTMENTS, LTD.

AT 11766 WILSHIRE BLVD., SUITE 870
LOS ANGELES, CA 90025
(BUSINESS)

IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:

"JANE DOE" - WHITE FEMALE 5'6", 125 LBS., AGE 29, BROWN HAIR AND EYES - EMPLOYEE

ON: 12/06/2005

AT: 02:55 pm

Manner of service in compliance with Federal Code of Civil Procedure

Registered California process server.
County: LOS ANGELES
Registration No.: 3477
Expiration:
1511 WEST BEVERLY BOULEVARD
LOS ANGELES, CA 90026
2132501111

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on December 8, 2005 at LOS ANGELES, California

Signature: 
JONATHAN SOLIS

PROOF OF SERVICE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>12/06/05 @ 2:55 pm</u>	
NAME OF SERVER (PRINT) <u>Jonathan Solis</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant Place where _____ _____		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <u>"Jane Doe" - White female 5'6", 125 lbs,</u> Name of person with whom the summons and complaint were <u>Age 24, Brown hair and eyes - Employee</u>		
<input type="checkbox"/> Returned _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct</p> <p>Executed on <u>12/06/05</u> _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Date Signature of Server <u>Jonathan Solis</u> </div> <u>1511 W. Beverly Blvd</u> <u>Los Angeles, CA 90026</u> <div style="display: flex; justify-content: space-between; width: 100%;"> Address of Server <u>(213) 250-1111</u> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

AO 440 (Rev 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Delaware

BALLY TOTAL FITNESS HOLDING CORPORATION,
Plaintiff,

SUMMONS IN A CIVIL CASE

V.

LIBERATION INVESTMENTS, L.P., LIBERATION
INVESTMENTS, LTD., LIBERATION INVESTMENT
GROUP LLC, and EMANUEL R. PEARLMAN,
Defendants.

CASE NUMBER:

05841

TO: (Name and address of Defendant)
LIBERATION INVESTMENTS, LTD.
11766 Wilshire Blvd., Suite 870
Los Angeles, California 90025

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Gregory P. Williams
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
10th & King Streets
Wilmington, Delaware 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

12/5/05

CLERK

Monica Mosley

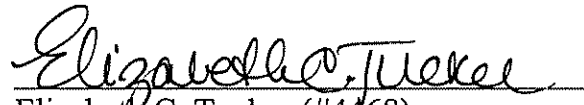
DATE

(By) DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2005 a copy of the foregoing was served by
CM/ECF upon the following attorney of record:

Stephen E. Jenkins, Esquire
Ashby & Geddes
222 Delaware Avenue
P.O. Box 1150
Wilmington, Delaware 19899


Elizabeth C. Tucker (#4468)
tucker@rlf.com